



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	12-17-13	AGENDA REQUEST NO:	III-B
INITIATED BY:	JACOB NITCHALS PLANNER II	RESPONSIBLE DEPARTMENT:	PLANNING & CODE SERVICES
PRESENTED BY:	JACOB NITCHALS PLANNER II <i>JN</i>	DIRECTOR:	DOUGLAS SCHOMBURG, AICP DIR. OF PLANNING & CODE SERVICES <i>D.S.</i>
		ADDITIONAL DIRECTOR (S):	N/A
SUBJECT / PROCEEDING:	REZONING FROM RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) TO STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) FOR THE LAKEBEND AT SUGAR CREEK SUBDIVISION, LOCATED BETWEEN US 59 AND COUNTRY CLUB BOULEVARD SECOND READING OF ORDINANCE NO. 1942		
EXHIBITS:	VICINITY MAP, STAFF REPORT, AERIAL MAP, PUBLIC HEARING NOTICE, ORDINANCE NO. 1942		
CLEARANCES		APPROVAL	
LEGAL:	MEREDITH RIEDE, <i>Meredith Riede</i> ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i>
PURCHASING:	N/A	ASSISTANT CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve Ordinance No. 1942 on Second Reading.			

EXECUTIVE SUMMARY

This is a City-initiated rezoning from Restricted Single-Family Residential (R-1R) to Standard Single Family Residential for the Lakebend at Sugar Creek subdivision. Lakebend at Sugar Creek consists of 43 lots, 2 blocks, and 4 reserves on 14.091 acres and is located in Sugar Creek between US 59 and Country Club Boulevard.

On August 21, 2013 the Zoning Board of Adjustment granted a variance for a home at 1807 Lakebend Drive, in the Lakebend at Sugar Creek Subdivision. The variance was granted due to the unique shape of the lot (wide and shallow) and the fact that the lot did not comply with the R-1R district's minimum lot depth, which rendered an excessive portion of the lot unbuildable. While preparing for this variance request, it came to staff's attention that only one of the 43 lots in the subdivision appears to comply with the R-1R district's minimum lot dimensions and that the majority of the homes in the Lakebend subdivision do not comply with the R-1R district's 30-foot rear yard setback. The R-1R district's 30-foot front and rear yard setbacks are intended for larger lots than those found in Lakebend at Sugar Creek. Consequently, disproportionately large portions of individual lots in this subdivision are not buildable. Staff believes that this subdivision was incorrectly zoned as R-1R in 1997. The proposed rezone would bring 40 of the 43 lots into compliance with minimum lot dimensions, result in a greater number of homes in conformance with required setbacks, and minimize future variance requests.

The Planning and Zoning Commission held a public hearing on the permanent zoning on October 8, 2013. No speakers addressed the Commission during the hearing, and the Commission did not express any concerns regarding the proposed rezone. On October 24, 2013 the Planning and Zoning Commission unanimously recommended that the Mayor and City Council approve the rezoning of the Lakebend at Sugar Creek subdivision from Restricted Single-Family Residential (R-1R) to Standard Single-Family Residential (R-1). The Planning & Code Services Department also recommends approval of Ordinance No. 1942.

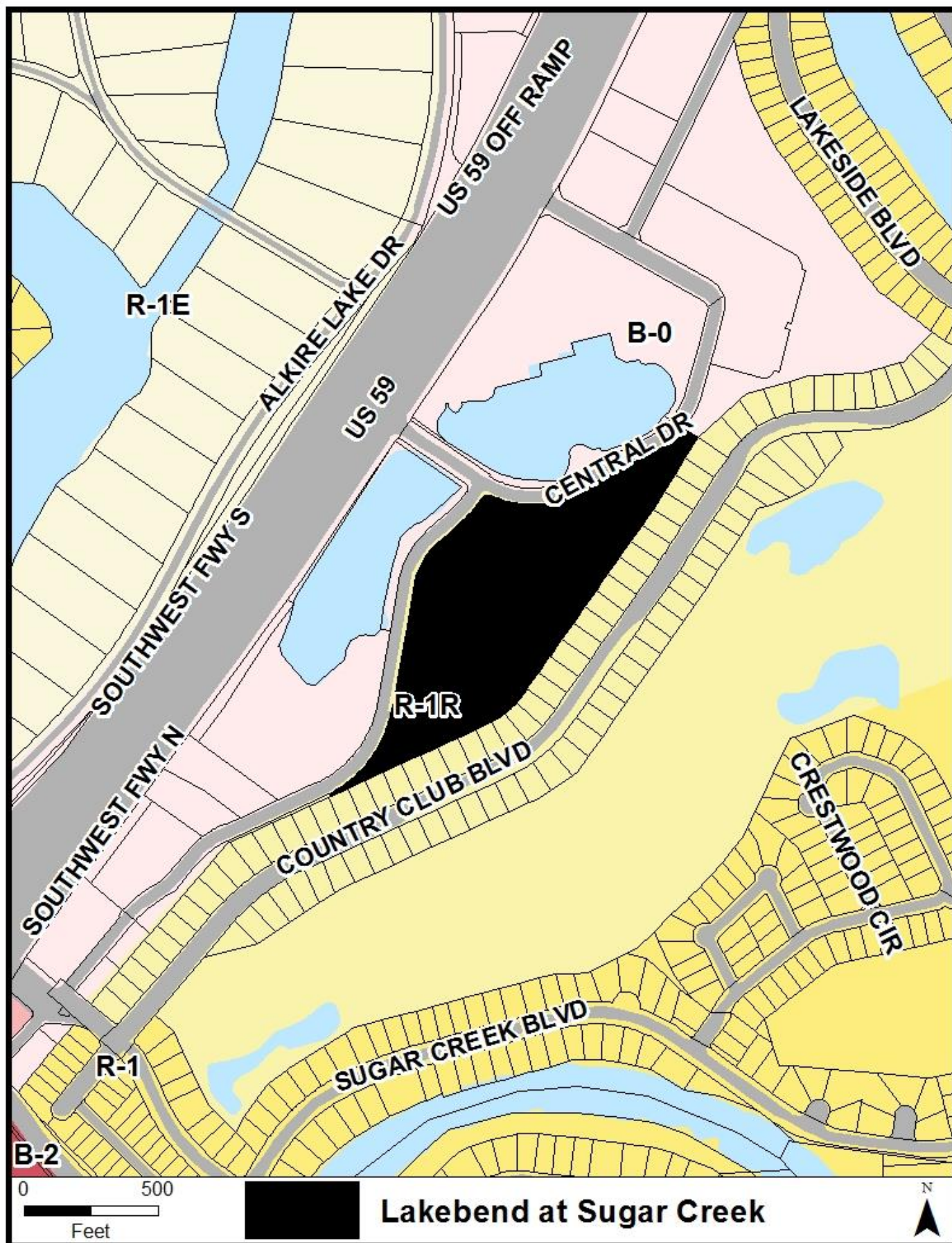
Some points for Council's consideration are as follows:

- The R-1R district's larger minimum lot dimensions and front and rear yard setbacks are intended for larger lots than those found in the Lakebend at Sugar Creek subdivision.
- Only one lot appears to conform to the R-1R minimum lot dimensions.
- If granted, the proposed rezone would result in 40 of the 43 lots in compliance with minimum lot dimensions.
- Most of the home locations do not comply with the 30-foot rear yard setback in the R-1R district.
- The R-1 zoning district most closely matches the character of the subdivision in terms of lot sizes and home locations.
- The rezone is consistent with the Future Land Use Map plan, which identifies this area as single-family residential and does not distinguish between different single-family zoning districts.
- If granted, the proposed rezone will not affect or alter any private deed or homeowner association restrictions.
- If granted, the proposed rezone will likely reduce the number of future variance request.

Document Number: P0017339; Planning Case Number: 13 21000010

EXHIBITS

Vicinity Map:



Staff Report:

PREVIOUS PLANNING AND ZONING COMMISSION REVIEW

The Planning and Zoning Commission held a public hearing on the proposed rezoning on October 8, 2013. The Commission did not express any concerns and asked Staff to bring the rezone back before the Commission for Consideration and Action. The Planning and Zoning Commission unanimously recommended approval of the proposed rezone to the Mayor and City Council on October 24, 2013.

HISTORY & ANALYSIS:

In 1985 Lakebend at Sugar Creek was platted as a commercial reserve and zoned Office District (O-1). This designation changed in 1992 when the area was replatted as a residential subdivision and rezoned Single-Family Residential (R-1). Both of these zoning districts were under the City's previous zoning ordinance. The subdivision was rezoned R-1R in 1997 with the adoption of the current Development Code; however, at that time, many of the homes had already been constructed. Due to the fact that the residential lots were platted and many of the homes were constructed prior to the R-1R rezoning, the vast majority of the lots do not meet the R-1R district's minimum lot dimensions and most of the home locations do not comply with the 30-foot rear yard setback. Staff believes that the R-1R zoning was in error. As illustrated in the aerial image below, only one of the 43 lots in the subdivision appears to conform to the minimum lot dimensions (see table below for minimum lot dimensions), while only 18 of the 43 lots appear to comply with the 30-foot rear yard setback required in the R-1R district. Rezoning the Lakebend at Sugar Creek subdivision will bring 40 of the 43 lots into compliance with minimum lot dimensions and bring additional home locations into conformance with required building setbacks, making the zoning more consistent with the layout of the subdivision, while likely reducing future variance requests.

COMPARISON OF ZONING DISTRICTS:

As a reference in decision-making, it is useful to examine certain criteria within the Development Code as it relates to setbacks, lot dimensions and lot area in the R-1R and R-1 zoning districts. The following table provides a comparison for the regulations in the two districts:

Zoning District	Front Setback	Rear Setback	Minimum Lot Width	Minimum Lot Depth	Minimum Lot Area
Restricted Single-Family Residential (R-1R)	30 feet, 25 feet if fronting on a cul-de-sac	30 feet	75 feet, 85 feet for corner lots	125 feet	9,500 square feet
Standard Single-family Residential (R-1)	25 feet, 20 feet if fronting on a cul-de-sac	15 feet	60 feet, 70 feet for corner lots	110 feet	6,600 square feet

Aerial Image:



NOTICE OF PUBLIC HEARING

REZONING FOR LAKEBEND AT SUGAR CREEK, CONSISTING OF 43 LOTS, 2 BLOCKS, AND 4 RESERVES ON 14.091 ACRES BETWEEN US59 AND COUNTRY CLUB BOULEVARD

REZONING FROM RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT TO STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT FOR THE LAKEBEND AT SUGAR CREEK SUBDIVISION

ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED REZONING SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**CITY OF SUGAR LAND CITY COUNCIL CHAMBER
2700 TOWN CENTER BOULEVARD NORTH**

**CITY COUNCIL MEETING
6:00 P.M., DECEMBER 3, 2013**

DETAILS OF THE PROPOSED REZONING MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND DEVELOPMENT PLANNING OFFICE (281) 275-2218 OR BY EMAIL PLANNING@SUGARLANDTX.GOV. CONTACT US TO SET UP AN APPOINTMENT TO REVIEW ADDITIONAL DETAILS IN PERSON.

ORDINANCE NO. 1942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM RESTRICTED SINGLE FAMILY RESIDENTIAL (R-1R) DISTRICT TO STANDARD SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT FOR APPROXIMATELY 14.091 ACRES OF LAND LOCATED IN THE LAKEBEND AT SUGAR CREEK SUBDIVISION, BETWEEN U.S. HIGHWAY 59 AND COUNTRY CLUB BOULEVARD.

WHEREAS, the City of Sugar Land has requested that approximately 14.091 acres of land located within the City of Sugar Land (the "City") in the Lakebend at Sugar Creek Subdivision, between U.S. Highway 59 and Country Club Boulevard, be rezoned from Restricted Standard Single Family (R-1R) District to Standard Single Family (R-1) District; and

WHEREAS, the City Planning and Zoning Commission forwarded its final report to the City Council, recommending approval of the rezoning request; and

WHEREAS, the City Planning and Zoning Commission and the City Council have each conducted in the time and manner and after notice required by law and applicable ordinances, a public hearing on such requested zoning change; and

WHEREAS the City Planning and Zoning Commission recommended granting such requested zoning change;

WHEREAS, the City Council finds that the zoning request complies with the City's comprehensive plan and now deems it appropriate to make such zoning change; NOW, THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That the facts and recitations set forth in the preamble of the ordinance are hereby declared true and correct.

Section 2. That the zoning district classification of approximately 14.091 acres of land described in Exhibit A and shown in Exhibit B, attached to and incorporated into this ordinance by reference, is changed from Restricted Single Family Residential zoning district classification (R-1R) to Standard Single Family Residential zoning district classification (R-1) under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

Section 3. That the City's official zoning map be amended to reflect this change in zoning district classification.

READ IN FULL on first consideration on _____, 2013.

APPROVED upon second consideration on _____, 2013.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

Meredith Reed

Attachment: Exhibit A - Legal Description for 14.091 Acres
Exhibit B - Vicinity Map

EXHIBIT A

Legal Description for 14.091 Acres:

- LOTS 1-3, 7-10, 15-19, 22-29 OF BLOCK 1; AND LOTS 1-17 OF BLOCK 2 OUT OF LAKEBEND AT SUGAR CREEK, RECORDED IN INSTRUMENT 9251859 AND SLIDE NUMBER 1201A
- LOTS 30-35 OF BLOCK 1 OUT OF THE PARTIAL REPLAT OF LAKEBEND AT SUGAR CREEK, RECORDED IN INSTRUMENT 9733265 AND SLIDE NUMBER 1593A

EXHIBIT B

Vicinity Map:

